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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------------|---------------------|------------------|
| 09/864,525  | 05/23/2001  | Tadashi Goino               | 2842.04US01         | 3075             |
| 7590 10/05/2007   |             |                             |                     |                  |
| Douglas J. Christensen, Esq.<br>Patterson, Thunte, Skaar & Christensen, P.A.<br>4800 IDS Center<br>80 South Eighth Street<br>Minneapolis, MN 55402-2100 |             | EXAMINER<br>ZURITA, JAMES H |                     |                  |
|   |             | ART UNIT PAPER NUMBER       |                     |                  |
|   |             | 3625                        |                     |                  |
|   |             | MAIL DATE DELIVERY MODE     |                     |                  |
|   |             | 10/05/2007 PAPER            |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/864,525

**Applicant(s)**

GOINO, TADASHI

**Examiner**

James H. Zurita

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-7, 10-16, 43, 51, 93-97, 103-116 and 119-126 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 10-16, 43, 51, 93-97, 103-116 and 119-121 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 122-126 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 19 July 2007 has been entered.

### ***Response to Amendment***

On 19 July 2007, applicant Applicant's submission filed on 19 July 2007 has been entered. Applicant added claims 121-126 and marked the as withdrawn claims 1, 2 8 and 9. The Examiner will interpret claims 1, 2, 8 and 9 as being canceled.

To date claims 1-3, 8-9, 17-42, 44-50, 52-92, 98-102, 117 and 118 have been cancelled.

Claims 4-7, 10-16, 43, 51, 93-97, 103-116 and 119-121 and 122-126 are pending. New claims 112-126 will be examined.

### ***Response to Arguments***

Applicant's comments of 19 July 2007 have been carefully considered.

Comments concerning Wellman (6,952,682) are moot in view of new grounds of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 122-126 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ayed (US 6756913).

**As per claim 122**, Ayed discloses conducting an auction for bidding on a service through a network, said method comprising:

**a collection step** including providing, by a potential bidder through a GPS enabled terminal, information related to the potential bidder's physical location, information necessary for rendering the service at the physical location, transmitting the provided information to a auction intermediary server. See, for example, at least references to taxi GPS location/positions, client location/positions, as in Col. 2, lines 24-28. The information is transmitted to the server (a taxi sends GPS position information to the server, as in Col. 5, lines 5-10, and the server stores the information, as in Col. 4, lines 47-54.

**a bidding step** including receiving, by the server through the network, collected information communicated by terminals of potential bidders (if available, taxis transmit request and information to the server, as in Col. 1, lines 27-37).

**a bid acceptance step** including processing, by the server, the bid information to determine a result of the bidding step based on the bid information (See, for example, matching and acceptance, as in Col. 5, lines 5-37);

**selecting** successful bidders and a service seller (selecting a taxi, as in Col. 1, lines 27-37 and Col. 5, lines 25-37).

**As per claim 123**, Ayed discloses that the GPS enabled terminal is a GPS enabled cellular telephone (Ayes, Col. 1, lines 57-65), and the bidder's physical location is automatically transmitted to the server from the GPS enabled cellular telephone (Ayes, see at least Col. 2, lines 6-23).

**As per claim 124**, Ayed discloses that service provided is a method of transportation. In Ayed, see Col. 1, lines 1-5 and other references to taxis.

**As per claim 125**, Ayed discloses that method of transportation is a taxi, and each taxi is equipped with a GPS enabled terminal which communicates the taxi's physical location to the server. See, for example, at least Yaed, Col. 1, line 64-Col. 2, line 5)

**As per claim 126**, Ayed discloses determining a positional relationship between the bidder and any available taxis and selecting the taxi with the optimal positional relationship. See, for example, at least Col. 1, lines 38-45.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**James Zurita**  
**Primary Examiner**  
**Art Unit 3625**  
298 September 2007

  
JAMES ZURITA  
PRIMARY EXAMINER